

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Criminal No. 08-395 (RHK/JJG)

Plaintiff,

**ORDER ON REPORT AND  
RECOMMENDATION**

v.

DEMONE ROYELIO SMITH (10),

Defendant.

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Before the Court are Defendant Smith's Objections to the July 10, 2009 Report and Recommendation of Magistrate Judge Jeanne J. Graham. Judge Graham has recommended denial of various motions filed by Defendant Smith.

Based upon the undersigned's de novo review of the Report and Recommendation and Defendant Smith's Objections thereto, **IT IS ORDERED**:

1. Defendant Smith's Objections (Doc. No. 405) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 387) is **ADOPTED**;
3. Defendant Smith's Motion to Quash Arrest (Doc. No. 115) is **DENIED**;
4. Defendant Smith's Motion to Suppress Evidence Derived from Electronic Surveillance (Doc. No. 116) is **DENIED**;
5. Defendant Smith's Motion to Suppress Evidence Obtained in Violation of the Fourth Amendment (Doc. No. 117) is **DENIED**;
6. Defendant Smith's Motion to Suppress Confessions (Doc. No. 118) is **DENIED AS MOOT**; and
7. Defendant Smith's Motion to Dismiss Indictment on Grounds of

Insufficient Allegations (Doc. No. 121) is **DENIED**.

Dated: August 3, 2009

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge